

REMARKS

The Official Action mailed September 1, 2004, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on January 28, 2002, April 3, 2002, June 10, 2002, November 22, 2002, January 23, 2003, and July 28, 2004. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-21, 23-35 and 37-83 were pending in the present application prior to the above amendment. Claims 84-89 have been added to recite additional protection to which the Applicants are entitled. The Applicants note with appreciation the allowance of claims 75-77 and 81-83 (page 3, Paper No. 08302004). Claims 1-8, 37-74 and 78-80 have been withdrawn from consideration by the Examiner. Accordingly, claims 9-21, 23-35, 75-77 and 81-89 are currently elected, of which claims 9, 23, 75, 81, 84 and 87 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action provisionally rejects claims 9-21 and 23-35 under the doctrine of obviousness-type double patenting over the combination of claims 49-114 of copending Application Serial No. 10/051,064 and U.S. Patent No. 5,789,284 to Yamazaki et al. In response, the Applicants respectfully request that the double patenting rejections be held in abeyance until an indication of allowable subject matter is made in either the present application or the copending application. At such time, the Applicants will respond to any remaining double patenting rejections.

Also, the Examiner is reminded that MPEP § 804, Part I.B (page 800-19 of the August 2001 Revision), provides the following guidance regarding the handling of

applications where a provisional double patenting rejection is the "only rejection remaining in that application":

If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

If the "provisional" double patenting rejections in both applications are the only rejections remaining in those applications, the examiner should then withdraw that rejection in one of the applications (e.g., the application with the earlier filing date) and permit the application to issue as a patent. The examiner should maintain the double patenting rejection in the other application as a "provisional" double patenting rejection which will be converted into a double patenting rejection when the one application issues as a patent.

The Applicants respectfully request that the Examiner review the guidance at MPEP § 804 and take appropriate actions in the present application and in the '064 application.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789